REMARKS

In summary, claims 1-15 are all the claim pending in the present application . Applicants thank the Examiner for withdrawing the previous prior art rejections. However, the Examiner now applies some new prior art rejections and maintains the previous claim rejections under 35 U.S.C. § 112, second paragraph.

Specifically, claims 3-5 and 15 remain rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-8 are now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gopinathan (US Patent No. 5,819,226) and Mockett (US 2001/0034702). Finally, claims 7 and 9-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gopinathan and Mockett, as applied to Claim 1 above, and further in view of Hassett (US Patent No. 6,653,946).

§ 112, second paragraph, Rejections - Claims 3-5 and 15

Claims 3-5 and 15 are rejected under 35 U.S.C. § 112, second paragraph, based on substantially the same reasons as set forth in the previous Office Action.

Statement of Substance of Interview

Applicants thank the Examiner for discussing the rejections under 35 U.S.C. § 112, second paragraph, with Applicants' representatives. Applicants also thank the Examiner for indicating that the rejections of claims 3-5 and 15 under 35 U.S.C. § 112, second paragraph, may be withdrawn based on the clarification of the invention provided during the interview with Applicants' representatives.

§ 103(a) Rejections (Gopinathan / Mockett) – Claims 1-8

Claims 1-8 are rejected based on the reasons set forth on pages 3-7 of the present Office Action. Applicants these rejection at least based on the following reasons.

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Applicants submit that Gopinathan discloses a system for detecting fraudulent transactions (fraudulent credit-card transaction) of credit cards, etc. using a neural network to predict the fraudulent transactions. To achieve the object of Gopinathan of detecting the fraudulent transactions, the system obtains the past transactions data of the credit card and determines if there are fraudulent transactions. The Examiner states that it is obvious to modify Gopinathan in view of Mockett, which discloses communication with a settling financial institution. Applicants respectfully disagree.

In view of the concept of the invention of Gopinathan, obtaining information from the settling financial institution is meaningless in order to predict the fraudulent transaction. A sign of the fraudulent transaction appears in the credit-card transaction, not in the settlement information of the settling financial institution. Further, the administrator (for example, credit-card firm) of the system is not authorized to obtain the balance account information from the settling financial institution. Only the account holder (which generally corresponds to the credit-card holder) is authorized to obtain the balance account information from the settling financial institution. Therefore, it is not obvious to modify Gopinathan in view of Mockett as asserted by the Examiner.

Further, according to the Office Action, Mockett discloses that an "apparatus" comprises communication means (internet) for transmitting and receiving information among the said communication means, a server of a credit card firm (credit card approval network), and a server owned by a settling financial institution. However, Mockett does not disclose what kind of data they transmit and receive. Further, the Examiner does not point out which element of Mockett corresponds to the "apparatus". That is, Applicants cannot know whether the "apparatus" corresponds to the user computer 12, the host computer 20 or ACH settlement process 28 of

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Mockett. In light of Gopinathan, the host computer 20 should be the "apparatus". However, Mockett fails to disclose that the host computer 20 obtains the balance account information from a depository bank 14.

Therefore, at least based on the foregoing, claim 1 is not obvious over the combination of Gopinathan and Mockett.

Applicants submit that dependent claims 2-8 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

Further, with respect to claim 2, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest at least, "prediction means for predicting an estimated charge amount based on said extracted periodic charge information," as recited in claim 2. The Examiner cites col. 7, line 32 - col. 8, line 35 and col. 19, lines 10-16 of Gopinathan as allegedly satisfying the above-quoted feature of claim 2. In response, Applicants submit that even if, arguendo, Gopinathan discloses or suggests predicting an estimated charge amount spent in each standard industrial classification (SIC), there is no teaching or suggestion of predicting an estimated charge amount based on extracted periodic charge information. There is no teaching or suggestion of periodic charge information in the section cited by the Examiner. Further, the Examiner indicates that col. 27, lines 3-63 of Gopinathan allegedly discloses the extraction of periodic charge information. However, upon review of the cited sections of Gopinathan, clearly there is no teaching or suggestion of any estimated dollar amount spent in each SIC that is based on alleged extracted periodic charge information.

At least based on the foregoing, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest each and every feature of claim 2.

With respect to dependent claim 3, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest at least, "taste information extracting means for extracting taste information of a user based upon shop use historical information, facilities use historical information, or shopping historical information, which are contained in the credit card charge historical information," as recited in claim 3. The Examiner cites col. 26, line 64 - col. 27, line 2 of Gopinathan, however there is no teaching or suggestion of the extraction of taste information of a user based upon various types of claimed information.

Applicants submit that claims 4 and 5 are patentable at least by virtue of their dependency from claim 3.

At least based on the foregoing, Applicants submit that claims 1-8 are patentably distinguishable over the applied references, either alone or in combination.

§ 103(a) Rejections (Gopinathan / Mockett / Hassett) – Claims 7 and 9-15

Claims 7 and 9-15 are rejected based on the reasons set forth on pages 7-10 of the Office Action.

Applicants submit that claims 7 and 9-15 are patentable at least by virtue of indirect or direct dependencies from independent claim 1. Hassett does not make up for the deficiencies of the other applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

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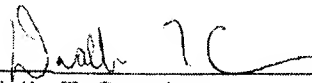
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Date: February 12, 2009

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